

**FILED****JUN 23 2005**

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NORTHERN DISTRICT OF CALIFORNIA

8 Attorneys for Plaintiff UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

12 UNITED STATES OF AMERICA,	)	No.: CR 05-00123 MHP
13 Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
14 v.	)	ORDER RE-SETTING STATUS
15 SANDY RU ZHONG, et al.,	)	HEARING AND EXCLUDING TIME
16 Defendants.	)	<u>FROM SPEEDY TRIAL CALCULATION</u>
17	)	

18 With the agreement of the parties, the Court enters this Order re-setting the next status  
19 hearing in this case from August 1, 2005 to August 22, 2005 and excluding the time period from  
20 April 4, 2005, through August 22, 2005 under the Speedy Trial Act, 18 U.S.C. § 3161. The  
21 parties agree, and the Court finds and holds, as follows:

22 1. The Court has held status hearings in this case on April 6, 2005 and June 6,  
23 2005. At each hearing, the Court made continuing findings that this case is complex within the  
24 meaning of the Speedy Trial Act, given the volume of the discovery in this case. The discovery  
25 in this case consists of roughly a dozen boxes of investigative reports, bank records, and physical  
26 evidence, as well as transcripts and line sheets for thousands of calls that were intercepted by  
27 Canadian authorities pursuant to a Canadian wiretap.

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STIPULATION AND ORDER  
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1           2.       At the April 6<sup>th</sup> appearance, defense counsel stated that they required additional  
2 time to arrange for review of discovery and to consider the filing of motions. The Court  
3 therefore excluded time based on complexity and the need for effective preparation of counsel  
4 and set a further status hearing date of June 6, 2005.

5           3.       At the June 6<sup>th</sup> appearance, defense counsel reported progress in reviewing the  
6 discovery and assessing the viability of contemplated motions. However, defense counsel  
7 requested one additional continuance for this purpose. The Court again excluded time based on  
8 complexity and the need for effective preparation of counsel and set a further status hearing date  
9 of August 1, 2005.

10          4.       Following the most recent status hearing, Mr. Rotwein contacted the United States  
11 requesting that the status hearing on August 1, 2005 be re-set to August 22, 2005, due to the  
12 unavailability of Mr. Getz on August 1<sup>st</sup>. The United States does not object to this new date,  
13 provided that it is acceptable to the Court.

14          5.       Undersigned defense counsel attest that the Defendants have consented to the  
15 requested continuance and that they have informed their clients of the need to appear on the new  
16 status hearing date of August 22, 2005, at 10:00 a.m.

17          6.       In light of the foregoing facts, the parties have stipulated and continue to stipulate  
18 that the time period from April 4, 2005, through August 22, 2005 shall be excluded from the  
19 Speedy Trial Act calculation and that this case is complex within the meaning of 18 U.S.C. §  
20 3161(h)(8)(B)(ii). In addition, the failure to grant the requested continuance would unreasonably  
21 deny the Defendant effective preparation of counsel taking into account the exercise of due  
22 diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The ends of justice would be served by the Court  
23 excluding the proposed time period; these ends outweigh the best interest of the public and the  
24 Defendant in a speedy trial. Id. § 3161(h)(8)(A), (B)(iv).

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28 STIPULATION AND ORDER  
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1 SO STIPULATED.

2  
3 DATED: June 14, 2005

/S/ BRIAN H. GETZ  
BRIAN H. GETZ  
Attorney for Defendant Sandy Ru Zhong

5  
6 DATED: June 14, 2005

/S/ GEOFFREY ROTWEIN  
GEOFFREY ROTWEIN  
Attorney for Defendant Eva Eng

8  
9 DATED: June 13, 2005

/S/ EDWARD TORPOCO  
EDWARD TORPOCO  
Assistant United States Attorney

11 In light of the foregoing facts, and with the consent of the parties, the Court hereby orders  
12 that the period from April 4, 2005 through August 22, 2005 be excluded from the Speedy Trial  
13 Act calculation under 18 U.S.C. § 3161(h)(8)(A), (B)(ii) and B(iv).

14 PURSUANT TO STIPULATION, IT IS SO ORDERED.

15  
16 DATED: 6/22/05

  
HON. MARILYN HALL PATEL  
United States District Judge